UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/Q/ITA/1
21 May 1999

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
17-21 May 1999

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the third periodic report of ITALY concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.19)

I. GENERAL INFORMATION

A. General legal framework within which human rights are protected

1. In the light of the Committee's decision to give effect to its follow-up procedure in the framework of the consideration of reports, the Committee would appreciate information on the specific measures the Government of Italy has taken to implement the recommendations contained in the concluding observations of the Committee on the State party's previous reports.

2. Please indicate any changes or progress made in the implementation of the Covenant, whether it has been invoked before the courts and whether there is any case law on economic, social and cultural rights.

3. Please describe the Government's position with regard to the recommendation of the World Conference on Human Rights concerning the preparation of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

4. Please indicate the contribution made by non-governmental organizations to the preparation of the report in order to supplement the information contained in paragraph 2.

B. Information and publicity

5. Please describe the action taken to inform and sensitize society and the competent authorities of the rights embodied in the Covenant.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2.2. Non-discrimination

6. Please indicate what action has been taken to curb manifestations of racism, xenophobia and ill-treatment of foreigners by police officers and officials. To what extent have suggestions and recommendations of the Committee on the Elimination of Racial Discrimination on Italy's eighth and ninth periodic reports been taken into account?

7. In the concluding comments of the Committee on the Elimination of Discrimination against Women on Italy's second and third periodic reports it was indicated that one of the factors hampering the implementation of the Convention was the increase in the number of poor women, since over 60 per cent of families headed by women live below the poverty line. Please indicate what steps have been taken to remedy this situation.

Article 3. Equality between men and women

8. The Committee would like to know whether the recommendation by the Committee on the Elimination of Discrimination against Women to eliminate the persistent patriarchal stereotypes in Italian society has been taken into account and to what extent school textbooks have been reviewed and revised in order to eliminate gender-based stereotypes.

9. It is stated in paragraph 14 of the report that lack of resources has hampered the full application of Law No. 125 of 1991 entitled "Positive actions for the realization of man-woman parity at work" and has affected the coordinating role of the National Parity Committee. Please indicate whether the situation has improved since the report was prepared.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. Right to work

10. Please provide statistics on unemployment trends since the previous report was submitted or for the past five years disaggregated by region, age and gender.

11. Please indicate the allowances received by unemployed workers.

12. Please provide information on the results of the programmes adopted as a result of the 1996 Labour Agreements and in particular the type of labour contracts concluded and their characteristics, together with statistical data.

13. Please indicate the impact of the privatization of the public sector on employment in the public sector.

14. Please provide information on what has been done to address the problem of unemployment among university graduates.

Article 7. The right to just and favourable conditions of work

15. Paragraphs 71 to 76 of the report refer to five rulings of various courts concerning the right to equal pay for work of equal value, but it is not explained how that wage is determined. Precise information would therefore be appreciated about the procedure adopted and applied at the present time.

16. Please provide updated statistical information on the number of occupational accidents and diseases since the previous report was submitted or for the past five years disaggregated by occupation, age and gender.

17. Please indicate whether appropriate legislation has already been adopted by the Government in accordance with the 1997 observations of the ILO Committee of Experts on the Application of Conventions and Recommendations concerning the application of Convention No. 32 on Protection against Accidents (Dockers).

Article 8. Trade union rights

18. Please provide information on the number of strikes permitted by the Guarantee Commission in the past five years (paras. 100-101), and if any strikes have taken place without the permission of that Commission.

Article 9. Right to social security

19. Please explain why the State party has failed to provide any information on the implementation of article 9 of the Covenant in Portugal.

20. Please provide detailed information on the implementation of article 9, in accordance with the revised guidelines on the form and content of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights.

Article 10. Protection of the family, mothers and children

21. Please indicate what has been done by the Government to eradicate violence against women, particularly within the family.

22. Please provide specific information on the measures that have been adopted by the Government to address the problem of child abuse, including physical and sexual abuse and violence within the family, and the insufficient protection afforded by the Penal Code in that respect, as well as the lack of adequate measures for the psycho-social recovery of child victims of such abuse. Also indicate whether national machinery has been created to

coordinate all activities on behalf of children with non-governmental organizations, as recommended by the Committee on the Rights of the Child, in its latest concluding observation with respect to the State party.

23. Please indicate what has been done in the context of the welfare policies referred to in paragraph 107 of the report to protect the family, and what the results have been.

24. Please indicate the steps taken to assist families that support elderly family dependents, in order to avoid their placement in old people's homes and hospital centres as far as possible.

25. Please provide information on divorce trends during the past five years.

26. Please indicate the minimum working age for children and explain what government measures have been adopted to protect the children from exploitation.

Article 11. Right to an adequate standard of living

27. Reference is made in the report to various indicators and projects concerning the right to adequate housing. Please indicate the results of such programmes and in particular of the bill of 31 October 1996 which targeted young people and was intended to stimulate the return of unoccupied homes to the housing market (para. 116).

28. Please provide information on the extent of homelessness, particularly among the elderly and foreigners.

Article 12. Right to health

29. Please indicate the evolution of State expenditure on public health care over the past five years.

30. Please clarify the statement made in paragraph 128 regarding the measures taken to contain the costs of health services.

31. Please provide information regarding the results of the National Health Plan for the period 1994-1996 and the further measures adopted, and on whether reproductive health and family planning are included in the maternal/infant protection programme ("Mother-and-child protection") mentioned in paragraphs 138 to 140 of the report.

32. Please indicate the steps taken to ensure that the increase in the cost of health care for adults owing to the very rapid ageing of Italy's population does not negatively affect their right to health, particularly with regard to preventive medicine, rehabilitation and care for the chronically ill.

33. Please explain the manner and extent of medical assistance offered by the State party to refugees and asylum seekers, notably those housed in reception centres.

34. Please provide updated information with respect to the health-related statistics contained in the report.

Article 13. Right to education

35. Please indicate what percentage of the State budget was earmarked for education during the past five years.

36. Please provide statistics, disaggregated by gender, on the number of students at the various educational levels.

37. Please provide information regarding human rights teaching in the Italian educational system, in particular for teachers, judges, police officers and other officials.

Article 15. Right to take part in cultural life, to enjoy the benefits of scientific progress and the protection of intellectual property rights

38. Please indicate the percentage of public expenditure devoted to the promotion of cultural activities during the past five years.

39. Please indicate what is being done to facilitate access to cultural activities for the population as a whole and in particular for young persons, the elderly and the disabled.

40. Please provide information on the participation of associations of elderly persons in the cultural life of the country.